

Exhibit "A"

January 2, 2001

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for December 1 through 31, 2000

Dear Mayor & Council:

The following is a report of new and pending claims against the City of Lincoln, as well as claims which have been disposed of, for the period of December 1 through December 31, 2000. This report shall indicate the types of claims filed and the status and dispositions of these claims.

**CLAIMS FILED IN PREVIOUS MONTHS:**

State Farm Insurance Company filed a subrogation claim during the month of April, 1999, in the amount of \$3,506.71 for expenses incurred on behalf of their insureds, Michael and Anamaria Jarecke, as the result of an accident involving the StarTran "fun" bus on July 31, 1998. This claim is under review and is **PENDING**.

Daniel J. and Elizabeth Elsener filed a claim during the month of July, 1999, in the amount of \$433.20 for alleged damage incurred to their vehicle when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$370.48.

Marc Matthews filed a claim during the month of December, 1999, in the amount of \$500,000 for alleged damages incurred as the result of claimant being injured by an electrical charge. Claimant alleges that Lincoln Electric System failed to disconnect the power supply from the pole to the house and that Lincoln Electric System allegedly informed claimant's employer that the power was shut off when it was not. This claim has been forwarded to Lincoln Electric System and is **PENDING**.

Randy and Brigit Wemhoff filed a claim during the month of March, 2000, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$9,025.00. The bodily injury of Brigit Wemhoff portion of this claim is **PENDING**.

Richard A. Eastep d/b/a Eastep's Wheels, Inc. filed a claim during the month of April, 2000, in the amount of \$47,298.70 for damage incurred to property as the result of a water main break. This claim is under review and is **PENDING**.

Auto-Owners Insurance Co. filed a subrogation claim during the month of May, 2000, in the amount of \$16,304.14 for damages allegedly incurred by their insured, Richard and Laveda Eastep/Eastep's Wheels, whose property was allegedly damaged as the result of a water main break. This claim is under review and is **PENDING**.

Brian Johnson filed a claim during the month of June, 2000, in the amount of \$50,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

Heather Gettner filed a claim during the month of July, 2000, in the amount of \$12,000.00 for damages incurred as the result of a motor vehicle accident involving a City-owned vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

John B. Topp filed a claim during the month of August, 2000, in an unspecified amount for damage incurred to his wheelchair when claimant was exiting a StarTran handivan. This claim has been **CLOSED** for the reason that claimant has not responded to requests for additional information concerning the claim.

Summer P. Thomason filed a claim during the month of August, 2000, in the amount of \$1,000,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by Teresa Zuerlein, a Health Department employee. This claim is under review and is **PENDING**.

Dixie Munson filed a claim during the month of August, 2000, in the amount of \$10,000.00 for an injury incurred to her minor daughter, Ashley Munson, at the Star City Shores. This claim is under review and is **PENDING**.

Scott Williams filed a claim during the month of September, 2000, in the amount of \$75,000 for injuries incurred when he fell off bleachers during a Lincoln Lightning football game at Pershing Auditorium. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Margaret A. Warner filed a claim during the month of September, 2000, in the amount of \$18,299.00 for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **PENDING**.

Roland F. Bouska filed a claim during the month of September, 2000, in the amount of \$10,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

Sandra Stodola filed a claim during the month of October, 2000, in an unspecified amount for injury allegedly incurred when she tripped on a sidewalk. This claim is under review and is **PENDING**.

Thomas and Shelley Thorpe, parents of Thomas "T.J." Thorpe Jr., filed a claim during the month of October, 2000, in the amount of \$77.00 for medical expenses incurred as the result of an alleged incident wherein T.J. was struck by a City bus. This claim is under review and is **PENDING**.

Kim Roehrs Lary filed a claim during the month of October, 2000, in the amount of \$25,000 for injury allegedly incurred when she tripped on a sidewalk at Herbert Park. This claim has been reviewed by this office and has been **DENIED**.

Joseph Rinke Jr. filed a claim during the month of October, 2000, in the amount of \$426.00 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Tom and Sue Thelen filed a claim during the month of October, 2000, in the amount of \$1,294.55 for alleged damage incurred to their vehicle at the North 48th Street Landfill. This claim is under review and is **PENDING**.

Country Club Apartments filed a claim during the month of October, 2000, in the amount of \$350.00 for alleged damage incurred to landscaping as the result of a water main break. This claim is under review and is **PENDING**.

Jodi Henning filed a claim during the month of October, 2000, in the amount of \$177.82 for alleged damage incurred to her mailbox when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$177.82.

Mill Towne Condominium Association filed a claim during the month of October, 2000, in the amount of \$6,462.00 for alleged damage incurred to a brick wall when it was struck by a StarTran bus. This claim is under review and is **PENDING**.

Dale S. Nelson filed a claim during the month of October, 2000, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant alleges that the accident was the result of a police pursuit of a vehicle which struck his vehicle. This claim is under review and is **PENDING**.

State Farm Insurance Co. (Robin & Trenton Baker, Insureds) filed a subrogation claim during the month of November, 2000, for property damage in the amount of \$3,075.44 and bodily injury in an unspecified amount incurred as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

The Estate of Traci Prickett filed a wrongful death claim during the month of November, 2000, in the amount of \$500,000 as the result of a motor vehicle accident allegedly related to an attempt by Lincoln police to apprehend the driver of one of the vehicles in the accident. This claim is under review and is **PENDING**.

Robert J. Molzer filed a claim during the month of November, 2000, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

**CLAIMS FILED DECEMBER 1 THROUGH DECEMBER 31, 2000:**

Cindy Schumacher filed a claim in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Paul M. Galliard filed a claim in the amount of \$110.00 for reimbursement of parking fines paid. This claim has been reviewed by this office and has been **DENIED**.

Robert Blankenship filed a claim in the amount of \$950,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Jeffrey M. Nelson filed a claim in the amount of \$45.00 for reimbursement of tow fees. This claim has been reviewed by this office and has been **DENIED**.

William Hulka and Laverna Warner filed a claim in the amount of \$6,000.00 for damage incurred to their vehicle when it was struck by a vehicle which was allegedly being pursued by law enforcement authorities. This claim has been reviewed by this office and has been **DENIED**.

Alice E. Land filed a claim in the amount of \$100.00 for reimbursement of a handicap parking fine. This claim has been reviewed by this office and has been **ALLOWED**.

Carol Spicka filed a claim in the amount of \$178.92 for alleged damage incurred to her car muffler when it struck a protruding manhole cover in a City alley. This claim is under review and is **PENDING**.

Jason Blair filed a claim in the amount of \$1,000,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Bill Thomas of NECO Alarm Services filed a claim on behalf of its employee in the amount of \$45.00 for reimbursement of tow fees. This claim is under review and is **PENDING**.

Kris Bloomquist filed a claim in the amount of \$300.37 for alleged damage incurred to the windshield of her vehicle when it was struck by sand from a sand truck. This claim is under review and is **PENDING**.

Larry Robertson filed a claim in an unspecified amount for alleged damage incurred to his vehicle when it was struck by snow removal equipment. This claim is under review and is **PENDING**.

Robert W. Ginn filed a claim in the amount of \$1,892.73 for alleged damage incurred to his vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **DENIED**.

**PENDING TORT LITIGATION:**

Weston F. & Betty Benjamin filed a claim during the month of July, 1994, against the City of Lincoln d/b/a Lincoln General Hospital for alleged injuries incurred when a nurse allegedly improperly placed an intramuscular injection in Mr. Benjamin's hip. This claim has been referred to Lincoln General Hospital's insurance carrier. Counsel for claimant filed a petition in the Lancaster County District Court on May 30, 1996. Neil Danberg is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a/ Lincoln General Hospital. On March 16, 2000, District Court Judge Bernard J. McGinn awarded \$872,615 to Weston Benjamin. This case has been appealed to the Nebraska Court of Appeals and is **PENDING**.

Bill L. and Becky A. Ocker filed a claim during the month of May, 1997, against the City of Lincoln d/b/a Lincoln General Hospital in the amount of \$2,500,000 for damages incurred as the result of alleged negligence by employees and agents of Lincoln General Hospital in failing to meet the applicable standard of care in the labor of Becky Ocker and the delivery of McKenzie Ocker resulting in permanent injuries to McKenzie Ocker. A claim in the amount of \$7,500,000 has also been filed on behalf of McKenzie Mae Ocker, by and through her parents and next friends, Bill L. and Becky A. Ocker. These claims have been referred to Phico Insurance Company, which is the hospital's liability carrier. Counsel for claimants has filed two petitions in the Lancaster County District Court on November 25, 1997. Mark Christensen is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a Lincoln General Hospital. Litigation is **PENDING** in both cases.

Ron Glover filed a claim during the month of April, 1997, in the amount of \$250,000 for alleged personal injuries resulting from emotional distress and breach of confidentiality rights. Counsel for claimant withdrew his client's claim on November 14, 1997, and filed a petition in the U.S. District Court on December 4, 1997. On August 3, 1999, U.S. District Judge Warren Urbom dismissed the City of Lincoln and the 10 unnamed police officers. Glover has appealed the ruling to the 8th U.S. Circuit Court of Appeals. Case is **PENDING**.

Fred and Lorelee Carter filed a Petition in the Lancaster County Court on September 3, 1998, alleging damages in the amount of \$4,500, together with interest and attorney's fees. Claimants allege that they have been unable to collect a "lifetime bus pass" prize which they allegedly won at a StarTran promotional event. Litigation is **PENDING**.

Brian and Kelli Hughes filed a claim during the month of November, 1997, in the amount of \$100,000 for alleged damages incurred as the result of an alleged improper inspection of a water well by the Lincoln-Lancaster County Health Department. This claim was reviewed by this office and was denied on March 2, 1998. Counsel for claimants filed a petition in the Lancaster County District Court on October 28, 1998. Litigation is **PENDING**.

Sailaja Valluru filed a claim during the month of September, 1998, for alleged injuries sustained when claimant was struck by a vehicle while attempting to cross a street. Claimant alleges that a malfunctioning traffic light caused the accident. This claim was reviewed by this office and was denied on October 12, 1998. Council for claimant filed a petition in the Lancaster County District Court on April 2, 1999. Litigation is **PENDING**.

Teri and Matthew Juranek filed a claim during the month of June, 1998, in the amount of \$40,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. Council for

claimants withdrew his clients' claim and filed a petition in the District Court of Lancaster County on May 25, 1999. Litigation is **PENDING**.

Michael C. and Anamaria Jarecke filed a claim during the month of February, 1999, in the amount of \$200,000 for damages incurred as the result of an accident involving the StarTran "fun" bus on July 31, 1998. Counsel for claimants withdrew his clients' claim on August 19, 1999, and filed a petition in the District Court of Lancaster County on August 30, 1999. Litigation is **PENDING**.

George Sadd filed a claim during the month of February, 1999, in the amount of \$1,000,000 for alleged injuries sustained when he fell while jogging on the Murdock Trail. Counsel for claimant withdrew his client's claim on September 3, 1999, and filed a petition in the Lancaster County District Court. Litigation is **PENDING**.

Mary Owens, Personal Representative of the Estate of Richard R. Owens, filed claims for damages arising from the hospitalization and subsequent incarceration of the deceased, Richard R. Owens. The claim against Lincoln General Hospital was referred to the new owners of the hospital. The claim concerning the deceased's incarceration was reviewed by this office and denial was approved by the City Council on August 31, 1998. Petitions have been filed in the Lancaster County District Court and litigation is **PENDING**.

Woo Yol Chung filed a claim during the month of March, 1999, in the amount of \$1,000,000 for injuries incurred while working in the Lincoln-Lancaster County Hall of Justice and Law Enforcement Center. This claim was addressed to the Lincoln City Council, but the claim itself is a claim against the Lincoln-Lancaster County Public Building Commission. Counsel for claimant, by letter of June 2, 1999, asserted that his client has filed a claim against the City of Lincoln. Counsel for Mr. Chung was advised that the alleged claim has not been filed against the City of Lincoln and it was recommended to the Lincoln City Council not to consider the March 2, 1999, letter nor the June 2, 1999, letter. On November 16, 1999, counsel for Mr. Chung filed a petition in the Lancaster County District Court against the City of Lincoln, County of Lancaster, Lincoln/Lancaster County Public Building Commission, and Builders, Inc. Litigation is **PENDING**.

Brenton Mitchell filed a claim during the month of July, 1999, in the amount of \$100,000 for alleged damages incurred when he slipped and fell while descending a ramp from the performing stage at the 1998 "July Jam". This claim was referred to the "Updowntowners" for processing. On March 15, 2000, claimant's counsel withdrew Mr. Mitchell's claim and filed a petition in the Lancaster County District Court against the City of Lincoln and Downtown Lincoln Association d/b/a Updowntowners. Litigation is **PENDING**.

Raymond J. Koziol, Personal Representative of the Estates of LeAnn M. Koziol, Kevin J. Koziol, Aaron J. Koziol, and Raymond J. Koziol, individually and as father and next friend of his minor children, Matthew R. Koziol and Brian L. Koziol, filed claims on April 13, 1999, in an amount totaling \$5,100,000. These claims involve an automobile accident that occurred on April 15, 1998, at the intersection of 70th & Pine Lake Road. Claimant alleges that the proximate cause of the accident was the presence of construction equipment which was parked next to the roadway and allegedly prevented LeAnn Koziol, who was the driver of the family's van, from seeing the stop sign. T.J. Osborn Construction was contracted by the City of Lincoln to conduct the work that was being performed at 70th & Pine Lake Road. This claim was withdrawn by claimant's counsel on October 21, 1999. On March 24, 2000, counsel for Mr. Koziol filed five separate petitions in the Lancaster County District Court against T.J.

Osborn Construction Company, the County of Lancaster and City of Lincoln, Nebraska. Litigation is **PENDING**.

Alan Patocka filed a claim during the month of July, 1998, in an unspecified amount for alleged injuries incurred when he fell out of his wheelchair on a StarTran bus. This claim was withdrawn by counsel for claimant on March 6, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on March 2, 2000. Summons and petition were served upon the City of Lincoln on June 23, 2000. Litigation is **PENDING**.

The Estate of Rachel Quintana and her children, Catalina Quintana, Thomas Quintana, Randy Quintana, Samuel Quintana, Felisa Quintana, and Victoria Gallegos, filed a claim in the amount of \$500,000 during the month of November, 1999, for damages incurred when Rachel Quintana fell from her wheelchair while exiting a StarTran Handivan. Counsel for claimants withdrew his clients' claim on July 6, 2000, and filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Sharon and Larry Zweerink filed claims in the amounts of \$250,000 for Sharon Zweerink and \$100,000 for Larry Zweerink during the month of July, 1999, for damages incurred as the result of Sharon Zweerink's fall on a City sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimants filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Gail P. Frasier filed a claim during the month of December, 1999, in an unspecified amount for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on September 25, 2000. Plaintiff prays for special damages in the amount of \$13,500.00 and general damages. Litigation is **PENDING**.

Brian Harman filed a claim during the month of October, 1999, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident involving a City-owned vehicle. Claimant was a passenger in a vehicle that was rear-ended by a City-owned vehicle. This claim was referred to the City's fleet carrier. Counsel for claimant withdrew his client's claim on October 6, 2000, and filed a petition in the Lancaster County District Court on October 9, 2000. Plaintiff prays for special damages in the amount of \$2,500.00 and general damages. Litigation is **PENDING**.

Mark Hundley filed a claim during the month of May, 2000, for damages incurred when he was struck by a rock while riding his motorcycle. Claimant alleges the rock was thrown from a City mowing machine. This claim was reviewed by this office and denial was approved by the City Council on July 31, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on December 1, 2000. Plaintiff prays for special damages in the amount of \$979.92 and general damages. Litigation is **PENDING**.

Mayor & City Council

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January 2, 2001

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management